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Dispatch

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THE DISPATCH FOUNDED 1854 THE TIMES FOUNDED 1854 WHOLE NUMBER 16,740. RICHMOND, VA., SATURDAY, JANUARY 14, 1905. PRICE TWO CENTS.

HAS NEEDED POWER UNDER LAW NOW

President Spencer Thinks Ample Authority is Vest-ed in Commission.

FIXING OF RATES WOULD PROVE EVIL

The Lessening of Appeals and the Extension of Commission's Jurisdiction to Water, Fast Freight and Private Car Lines Only Legislation Needed.

(From Our Regular Correspondent.)
WASHINGTON, D. C., Jan. 13.—Although Mr. Samuel Spencer, president of the Southern Railway Company, was not chosen by the railway men of the country to present to Congress their views concerning the question of empowering some official body of the government to regulate railway charges, a prominent official of an eastern road, said to-night, that the statement which Mr. Spencer began before the Committee on Interstate Commerce yesterday and concluded to-day, fairly represented the attitude of the railroads.

Mr. Spencer's position, when summed up, amounts to a declaration that matters should be left in statu quo; that the Interstate Commission has all the power needed to properly supervise railway traffic, and that he is perfectly willing that it shall continue to exercise that power. He is willing that the commission should have supervision of granting of rebates, terminal charges and private car lines, says he. It has the power of supervision in all three cases at present.

Mr. Cassitt, president of the Pennsylvania, has said he is willing to have Congress enact railway rate legislation, and it is believed he favors extending the powers of the Interstate Commerce Commission so as to give it authority to fix rates. He is understood to differ radically from Mr. Spencer.

No Adverse Votes Expected.

A leading senator told me to-night that while he expected there would be considerable debate in the Senate when the regulation matter came up in that body, the very much doubted whether there would be a single vote against the bill when the roll was called. He said further that he had been informed that there would hardly be a dissenting vote when the time to vote came up, when the Commission is a question as to whether there would be any objection to a uniform classification of freight throughout the country. Mr. Spencer said there might be, although it would, without doubt, throw the rates of certain railroads out of line. If it was done violently and suddenly, it would result in a commercial upheaval.

Help Is Not Expected.

Reverting again to the result of reclassification of freight, which is constantly going on, Mr. Spencer said the result was uniformly a reduction and not an increase in rates. Carriers, he said, did not expect an arm of the government to help them raise or maintain rates, but they ought to be left free to co-operate with each other in the way of making "reasonable agreements" among themselves.

Confers Anomalous Power.

The bill, he said, would be conferring anomalous powers upon one body. The commission was created to institute proceedings against carriers. Here it was proposed to invest the body with a judicial function—the power to condemn a rate as unreasonable, and then to stop contemplated from making agreements as to what those rates should be.

Confers With Secretary Morton.

(By Associated Press.)
WASHINGTON, D. C., Jan. 13.—Secretary Morton had a long conference this evening with James J. Hill, of the Great Northern, and Samuel Spencer, of the Southern Railway, on the subject of railway rate legislation, but beyond this nothing was obtainable to-night as to the nature of the conference.



REV. GEORGE W. MCDANIEL,
Gifted Texas Pastor, Accepts Pastorate of the First Baptist Church.

NO APPEAL YET FOR MAYOR M'CUIC

No Present Intention of Calling on the Governor.

RECOVERED HIS APPETITE

Prisoner, After Staying for Hours, Eats Heartily—Confidence of His Counsel.

(Special to The Times-Dispatch.)
CHARLOTTESVILLE, VA., Jan. 13.—Former Mayor J. Samuel McCue from the time he learned that the Supreme Court had refused his application for a writ of error until noon to-day, refused all food, and it is said, spent a rather sleepless night. By noon to-day, however, he had recovered his appetite, eating a hearty dinner and a reasonably good supper. The reports of his practical nervous collapse are not confirmed, and it can be said with certainty that he has shown a great deal of composure under all of the circumstances. He weeps occasionally, but not hysterically.

Willing to Die.

He had a number of visitors to-day, among them the Rev. Dr. George L. Petrie, his pastor, who remained in the small steel cell which confines the prisoners for half an hour this afternoon. The jailer being present throughout the interview, McCue wept a great deal. Nothing was said either by the visitor or the prisoner touching upon his innocence or guilt, and the question of a final statement was not broached. The whole tenor of the conversation was controlled by the prisoner's evident resignation to his fate. He said that he was prepared and willing to go.

A Conference Held.

Messrs. Walker and Sinclair, his local counsel, called at the jail to-day and held an extended conference with the condemned man, his brothers, Edward O. McCue and Dr. Frank C. McCue, whose health was in such critical condition that he had to retire from active participation in the defense, has now recovered, and is now being consulted.

PLAN MAPPED OUT BY LAWYERS TO SAVE M'CUIC

(Special to The Times-Dispatch.)
LYNCHBURG, VA., Jan. 13.—J. T. Coleman, of Lynchburg, and George Walker and Burnley Sinclair, of Charlottesville, counsel for J. Samuel McCue, who is to be hanged for the murder of his wife in Charlottesville next Friday, were in conference here for some time this evening, and a course of procedure was mapped out by which it is hoped to save the condemned man. Mr. Coleman stated to-night that while he could not divulge the decision, all that can be done will be attempted to-morrow.

It is believed, however, that an effort is to be made in Richmond to-morrow to secure a respite and then bring influence on Governor Montague to commute the sentence in life imprisonment.

FIRST CHURCH WINS A PASTOR

Rev. George W. McDaniel Informs Committee He Will Accept.

A MAN OF GREAT ACTIVITY

Though Young Man, Has Been Prominent in Broad Denominational Work.

Rev. George W. McDaniel, of Dallas, Texas, has just announced to the committee of the First Baptist Church, of this city, his acceptance of their call to the pastorate, and he hopes to be in Richmond and enter upon his work at an early date.

He has already resigned his pastorate of the Washington Avenue Church, Dallas, Texas. Mr. McDaniel has had a brilliant and successful career. He was born about thirty years ago in Grimes county, Texas, and is a full graduate of Baylor University, Dallas, Texas, and of the Southern Baptist Theological Seminary at Louisville, Ky.

An Active Career.

For one so young Mr. McDaniel has had a distinguished career in denominational work. He is a member of the board of trustees of the General Convention, a director of the Texas Baptist Memorial Sanitarium, recording secretary of the Education Commission, and vice-president for Foreign Missions in Texas. He has been a regular contributor to the Baptist Standard, has delivered special addresses, has spoken in behalf of prohibition, and has held evangelistic services.

(Continued on Second Page.)

HUSBAND IS KILLED BY FIERCE MOROS

Terrible News Comes to the Young Wife of Lieutenant Jewel.

(Special to The Times-Dispatch.)
ASHESVILLE, N. C., Jan. 13.—The newspaper reports of the death of Lieutenant James J. Jewel, killed in action during the attack on a Moro fort in the Philippines, has almost prostrated his wife, who, with her three-weeks' old baby girl, is a resident of Baltimore.

Mrs. Jewel parted from her husband in the Philippines last spring, and came to Baltimore for the benefit of her health. Her husband was expected to join her here early in the coming spring. About three weeks ago a daughter was born to Mrs. Jewel, and the sudden news of Lieutenant Jewel's tragic death, has been a most severe shock to her.

Many New Members.

A meeting of very special interest has been in progress during the past week at the Third Presbyterian Church, Twenty-sixth and Broad Streets. As a result of this meeting, twenty or thirty members will be publicly received into the church at the morning service to-morrow. The night service will also be one of special interest.

JAMES LINKOUS A DOOMED MAN

Found Guilty of Murder of His Wife and His Adopted Son.

JURY OUT ONLY FIFTEEN MINUTES

Magnificent Speech Made in His Defense, But the Evidence Was Conclusive.

Sentence Will be Pronounced To-day.

(Special to The Times-Dispatch.)
RADFORD, VA., Jan. 13.—The jury in the case of James Linkous, charged with the murder of his wife and adopted son with some blunt instrument, and then setting fire to the house to hide his crime, found him guilty of murder in the first degree at the close of the second day's trial this afternoon. The prisoner sat with his face in his hands and never looked up when the verdict was rendered. The court immediately adjourned until 2 o'clock to-morrow, when Judge Cassell will pronounce sentence on the accused. The jury was out only fifteen minutes. The testimony was very conclusive.

Conclusive Evidence.

T. M. Brady testified that the fire bell rang five or six minutes after he awoke, and he saw fire near the ground and could not get up in the room; he said any one could have let themselves out of the window, a person standing below could have reached their feet. Witness testified that Linkous asked him to try to save some food, and that there was no use to try to save the building. Later he told them that his wife and child were inside. Witness proposed that they try to rescue them; the prisoner said it was useless; they had suffocated ere this.

The charge to the jury closed as follows: "The court instructs the jury that if they believe from all the evidence beyond all reasonable doubt that the defendant is guilty as charged, in the indictment, then it is their duty to convict him, although no motive has been discovered or proven."

A Great Speech.

Robert L. Jordan opened for the prosecution and spoke for an hour and a half. No one in the densely packed courtroom, however, was conscious of the passage of time. Mr. Jordan spoke in a low, tense voice, which told more plainly than words that a weight of sorrow rested on his heart. He did his duty, but it was a painful duty and victory would bring no thrill of exultation. Mr. Jordan told a story of deep human passion, and he told it simply, strongly, ably, in short, with telling effect. His speech was eloquent, manly, generous, and without a convincing, so powerful an argument against the accused, a plea for the defendant seemed utterly hopeless.

The prisoner's counsel, however, did his duty nobly by the friendless man who sat at his side. From the first he fought his client's case aggressively and earnestly, his eloquence hand-picked by having no time for preparation, and a case in which almost every vestige of evidence was against him. For an hour and a quarter, Mr. Morton pleaded the cause of his client, and his speech received high praise.

Closing Scene.

The scene was one to be long remembered. The prisoner, a pitiful looking figure, with eyes cast down, the eloquent voice of the man who towered above the throng and swayed them by his voice. A hideous crime had been done, and the demands of justice must be met. The prisoner's case lay in the hands of the jury. For the time being, the prosecuting attorney was the voice of the community of the Commonwealth, asking that life be taken. The people stood sadly, but resolutely by the voice spoke for them and they by the voice spoke for them. Reverently, at the close of the speech, came to a close, and the jury after being out fifteen minutes, returned a verdict of "murder in the first degree."

COTTON GROWERS MEET AT NEW ORLEANS THE 24TH

(By Associated Press.)
MACON, GA., January 13.—A special to the "Telegraph from Monticello, Ga., says that President Harvie Jordan, of the Southern Cotton Growers Protective Association, has announced the official program of the Southern Interstate Cotton Convention, which will be held at New Orleans, January 24th-26th.

Railroad rates of one fare, plus twenty-five cents, have been granted from New Orleans to the South for delegates and members of their families.

President Jordan urges all delegates to reach New Orleans not later than 10 o'clock Tuesday morning, January 24th, and to report at once to the Assembly Hall of the Progressive Union.

93 WANT HELP TO-DAY.

The 93 advertisements for help published in to-day's Times-Dispatch on page 6 are as follows:

4 Trades.	27 Domestic.
32 Professional.	Agents.
14 Miscellaneous.	12 Salesmen.

This not only interests those out of work, but those desiring to improve their positions as well.

"I AM GOING TO FIGHT THIS THING TO LAST."

—BRODIE L. DUKE.



BRODIE L. DUKE AND HIS WIFE, MRS. ALICE WEBB DUKE.

DUKE WILL FIGHT TO THE BITTER END

He So Declared When Leaving Court, Where His Case Had Been Up.

THE HEARING IS DEFERRED

Mental Condition to be Inquired Into by Commission—Is Bitter Against His Sops.

(Special to The Times-Dispatch.)
NEW YORK, Jan. 13.—Brodie L. Duke, half brother of the president of the American Company, whose recent marriage resulted in his commitment to a sanitarium, was brought into the Supreme Court in Brooklyn to-day on a writ of habeas corpus, and after a hearing was sent to the Long Island home until Thursday next. On that date a commission appointed by Justice Gaynor is to meet to inquire into Mr. Duke's condition and make a report as to whether he is insane.

The writ of habeas corpus on which Mr. Duke was brought into court to-day was obtained by W. C. Bramham, of Durham, who has acted as private secretary for Mr. Duke. Counsel for Mrs. Bramham argued for an immediate examination of Mr. Duke in court to determine whether or not he was insane. This was objected to by Delancey Nicoll, who said he represented members of Mr. Duke's family, and who insisted that Mr. Duke's sanity should be determined by a commission appointed by Justice Gaynor.

Desired to Have Witnesses.

Mr. Nicoll declared that he desired to secure witnesses for himself, and that the persons whom he represented "wanted to remove this man from the toils of one of the worst associations of criminals."

(Continued on Second Page.)

FRIENDLESS YOUNG MOTHER COMES HERE

Nannie Hodnette, From Near Burkeville, Says Parents Drove Her Away.

Nannie Hodnette, a young woman with an infant, is now at the City Almshouse, having been driven from home, she says, and is now alone in the world.

This young woman reached the city late yesterday, coming over the Southern road from Burkeville. She appealed to Policeman Zimmer for assistance, telling him that she was helpless. The kind officer took her to the First Police Station, where Sergeant Matthews questioned her, and she communicated with Superintendent Davis, and asked him to take the unfortunate girl in, and look after her. She was taken to the Almshouse.

CONSEQUENCES ON THEIR HEADS

The University Athletic Committee Stands for Its Action.

HAD TO CONSIDER NORFOLK ALUMNI

They Had Been Loyal as Well as Richmond Friends and Had Already Built Their Park. Many Overtures Made. Dr. Alderman Will Publish a Letter.

(From a Staff Correspondent.)
UNIVERSITY OF VIRGINIA, January 13.—Dr. Alderman, president of the University, was asked to-night to make a statement in regard to the charge in the "Thanksgiving game" from Richmond to Norfolk. Dr. Alderman is confined to his home and has not been able to confer with the Athletic Committee, and so declined to make such a statement at this time. After expressing his esteem for the people of Richmond and his affection for the Richmond alumni, he stated that he would write a letter for publication at a distant date.

There seems to be no doubt that fully seventy-five per cent. of the student body of the University of Virginia are in favor of Richmond for the "Thanksgiving game." This fact is denied by the Athletic Committee, who claim that their position in the matter has not been clearly explained to the students at large, and that when their reasons for giving the game to Norfolk are made known, adverse sentiment will disappear. However, at this time they have heard nothing but regrets that Richmond is not to have the game.

Dr. Lambeth, who has practically charge of athletics, said: "I was heartily in favor of Richmond."

Full Explanation.

A meeting of the Athletic Committee was held this afternoon at which all members were present, except Joseph Shelton. The resolutions passed by the Richmond Alumni on Thursday were read and discussed, after which the Athletic Committee decided to make a formal statement of its position and to publish the statement in the Times-Dispatch. This is the statement which we did not print.

"We must again remind the Richmond Alumni of the fact that our committee was not unmindful of the many obligations we owe them, nor of the importance and gravity of the situation. Standing as we did between two contending parties, each having a right to be heard, we did not shrink from the responsibility, there is not a member of the committee who would not gladly have surrendered his office to others more competent to deal with the situation. Prior to the meeting, the committee had formed no definite opinion. They had only the duty to hear the parties and the inducements offered, endeavoring at all times to be just, they felt that they could not decide differently. And yet the Richmond Alumni, while conceding that the committee acted conscientiously and according to their best judgment, cannot understand why we are acting them in arriving at their decision. They strongly condemn us before receiving or even demanding an explanation. As briefly as possible, we will state some of the reasons, which are as follows:

Some of the Reasons.

First—"That there still existed an obligation upon the Athletic Association to give Norfolk a holiday game, and a Carolina game, provided that game be played. This obligation has rested upon us since the building of the Lafayette Park. They believed that they had, in a measure, already fulfilled such obligations to Richmond."

Second—"That for three years we have declined to consider Norfolk's importunities for this game, with the promise that they would have future considerations."

Third—"The Alumni Associations of Norfolk and adjacent cities and towns earnestly petitioned that we give them the game."

Fourth—"That the following business organizations of Norfolk petitioned for the game: The Chamber of Commerce, the Real Estate and Dealers Stock Exchange, the Retail Merchants' Association, the Board of Trade and Business Men's Association."

"These embrace a large majority of the business men of Norfolk, and some of those petitions pledged us their heavy co-operations."

Fifth—"That in accepting the Norfolk proposal we were only inviting the Athletic Association for a single year, and our successors would be free to act for themselves, since Norfolk graciously relieved us of all past or present obligations in consideration of this game."

Saw the Inconsistency.

Sixth—"That while it was the earnest hope of this committee that a park might be built in Richmond by our friends, we could not but see the inconsistency of accepting one group of alumni for promising to do a thing and refusing to aid another who had accomplished the same thing."

Seventh—"That for the past three years, but one Norfolk game, working under a disadvantage, has turned into our treasury, as many others as has Richmond, and gives good assurance that we will exceed Richmond; that our alumni there have always been active in regard to athletic interests, and have encouraged and constantly increased the attendance upon the University from that section. While this committee does not overlook the general welfare of the University, its particular duties are those connected with the welfare of the Athletic Association, and aside from financial considerations they felt that the sentimental factors operating in favor of Richmond were fully offset by our obligations to Norfolk."

Eighth—"Since the meeting, at which this question was discussed, was held, after due notice to our Richmond friends, it was naturally presumed that they

SEABOARD PLAN IS MADE PUBLIC

New Securities to be Issued in Three Classes, Aggregating Seventy-two Millions.

INTERESTS ARE IN HARMONY

(Special to The Times-Dispatch.)
NEW YORK, January 13.—The formal plan for unifying and consolidating the Seaboard system and to provide further capital, was issued to-day. The committee announces that it is acting at the request of a majority of the stock, as well as of the board of directors, of which all the committee are members.

The views of the different interests appear to have been harmonized in the making of the plan. It is understood that all interests heartily favor it, and that the co-operation of over seventy-five per cent. of the stock has been pledged.

The committee consists of Thomas F. Ryan, chairman; James A. Blair, Ernst Thalmann, James H. Dooley, T. Jefferson Coddige, Jr., C. Sidney Shepard and S. Davies Warfield.

The capital of the company is re-arranged. The total authorized stock issues are to aggregate \$72,000,000, divided as follows:

First preferred, five per cent. stock authorized \$18,000,000, of which only \$7,250,000 is to be issued at present.

Second preferred, non-cumulative six per cent. stock authorized, \$18,000,000.

Common stock authorized, \$36,000,000. The present preferred stockholders are to get seventy-five per cent. of their present holdings in new preferred stock, and the present common stockholders are to get seventy-five per cent. in new common stock.

The \$7,250,000 of the new first preferred stock to be issued at the present time, is to be given to the present preferred and common stockholders at par with an equal bonus of common stock. Each preferred and common stockholder will be offered \$12.50 par value of the new first preferred stock, with a bonus of \$12.50 on common stock for \$12.50 in cash on each share of stock owned by him.

A syndicate is to underwrite the entire new preferred stock without commission or compensation, and to take such of it as is not subscribed for by the present stockholders, on the same terms on which it is offered to the stockholders.

The balance of approximately \$10,000,000 of the new first preferred stock cannot be issued below par, and then only under certain restrictions, and is to remain in the treasury.

The new money is to be used toward liquidating the floating debt and for improvements, betterments, extensions, etc. The Morton Trust Company is made the depository, with the Continental Trust Company, of Baltimore, as agent or sub-depository. Deposits are required to be made not later than February 15th, and the certification of deposit are intended to be listed on the New York and Baltimore Stock Exchanges.

The present voting trust may be dissolved, but the committee reserves the right to create a new voting trust, limited to not more than five years.

The plan, when completed, will consolidate the different properties of the Seaboard Company into a single corporation, and in view of the overwhelming support already secured for the plan before its issue, its success is assured.